IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1059 OF 2007
IN
CRIMINAL APPEAL NO.1207 OF 2006

Shashikant Wanmali Panchal ..Applicant.
Vs.
The State of Maharashtra ..Respondent.

Mr.K.S.Patil, adv. for the Applicant.
Mr.S.R.Shinde APP for the State.

CORAM : J.H.BHATIA, J.
DATE : OCTOBER 5, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. The present applicant was accused no.1 in Sessions Case No.113 of 1999 before the Sessions Court, Palghar wherein he was convicted for the offence punishable under Section 307 and was sentenced to undergo R.I. for 7 years and to pay a fine of Rs.1,000/-. He alongwith his brothers were convicted under Section 307 read with Section 34 of the I.P.C. and similar sentence was passed separately. They were also convicted for some other offences. His three brothers were granted bail by this Court in criminal application no.966 of 2006. The present applicant filed earlier bail application no.283 of 2007, which came to be rejected by the order dated 30th March,

2007. The main ground for rejecting the bail was that the present applicant had actually assaulted on head of Vinod Tripathy with iron rod while his brothers were also assaulted. It was noted in the order that "The medical evidence reveals that as many as seven injuries were found on the head of Vinod Tripathy, two of them were fractures of bone. Besides, some other injuries were found on different parts of the body." While pressing for bail again, the learned counsel for the applicant points out from the evidence on record that though there were seven injuries on the head of Vinod Tripathy, there was no fracture on the head but there were fractures of right and left limbs. It appears that there was no fracture on the head. In view of this medical evidence, which is not pointed out, case of the present applicant can not be distinguished from the case against his brothers, who are already granted bail. The applicant was on bail during the trial. He has already undergone sentence for more than 19 months.

3. The applicant Shashikant Wanmali Panchal is hereby granted bail in the sum of Rs.15,000/- with one surety in the like amount with the condition that he

shall not misuse the bail and shall attend Dahanu Police Station on every first Sunday of the month till the decision of the appeal.

[J.H.BHATIA, J.]